

# City Council Agenda

Council President  
**Mike Dages**

Tom Boyajian  
Brian Calhoun  
Jerry Duncan

Councilmembers

Henry T. Perea  
Cynthia Sterling  
Larry Westerlund

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**August 23, 2005**

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

## **8:30 A.M. ROLL CALL**

Invocation

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Presentation of an Appreciation Award to Public Works Employee Marcie Williams

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of August 16, 2005

**Action Taken:**

Councilmember Reports and Comments

**Action Taken**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

A. **RESOLUTION** - Establishing Disadvantaged Business Enterprise (DBE) Program goals for 2005-2006 in U.S. Department of Transportation (DOT) assisted projects/contracts for the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), and Federal Transit Administration (FTA) – General Services Dept.

**Action Taken:**

B. **RESOLUTION** – Determination and finding, pursuant to the Fresno Air Terminal Airport and Environs Plan, Noise Policy No. 3.a.(5), that there is no feasible alternative land use for 1.92 acres of property now proposed as Vesting Tentative Tract Map No. 5510, an 8-lot single family residential subdivision located on the east side of the intersection of E. Ashcroft and N. Sharon Avenues (4426 N. Sharon Avenue) **(Property located in District 4)** – Planning and Development Dept.

**Action Taken:**

C. \* Award a requirements contract to Farmore Manufacturing of Fresno for butterfly valves, gate valves and check valves - General Services Dept. – Purchasing/Public Utilities Dept. – Water Division

**Action Taken:**

D. \* Award a contract to Granite Construction Company of Watsonville, Ca. for the reconstruction of taxiways B6, B10, B12, C12 and removal of B9 at the Fresno Yosemite International Airport – Airports Dept.

**Action Taken:**

E. \* Authorize the purchase of noise-impacted property contiguous to Fresno Yosemite International Airport with federal monies (Property located at 4831 E. Shields Avenue) – Airports Dept.

**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. **RESOLUTION** – Authorizing acceptance of the California Kid's Plates Mini-Grant of \$6,000 from the San Diego State University Research Foundation and authorizing completion of related documents – Police Department

**Action Taken:**

1. \* **RESOLUTION** – 14th amendment to AAR No. 2005-286 appropriating \$6,000 in grant funds to the Fresno Police Department for the California Kids' Plates Program **(Requires 5 affirmative votes)**

**Action Taken:**

- G. \* **BILL NO. B- 85 (Intro. Aug. 16, 2005) (For adoption)** - Amending the Fresno Municipal Code relating to Fresno Police Department Rotation Tow Program

**Action Taken:**

1. \* **BILL NO. B- 86 (Intro. Aug. 16, 2005) (For adoption)** – Granting to certain towing operators a non-exclusive franchise to participate in the Fresno Police Department's Tow Car Rotation List

**Action Taken:**

2. **GENERAL ADMINISTRATION**

- A. Approve amendments to Fiscal Year 1996, 1997, and 2005 Annual Action Plans re-appropriating \$173,900 of CDBG funds from the closed-out Neighborhood Revitalization Program to a Service Center Pre-Development Project located in Southwest Fresno to be carried out by West Fresno Health Care Coalition– Planning and Development Dept.

**Action Taken:**

1. \* **RESOLUTION** – 17<sup>th</sup> amendment to AAR No. 2005-286 appropriating \$173,900 of Community Development Block Grant (CDBG) funds from the closed-out Neighborhood Revitalization Program to a service center pre-development project located in Southwest Fresno **(Requires 5 affirmative votes)**

**Action Taken:**

- B. **BILL – (For introduction)** - Amending the Fresno Municipal Code relating to the storage of safe and sane fireworks – Fire Dept.

**Action Taken:**

3. **CITY COUNCIL**

- A. Direct staff to identify and prepare for Council consideration the actions and documents necessary to convert the designation of Fresno Metropolitan Flood Control District Basin B-O from groundwater recharge uses to recreation uses – Council President Dages

**Action Taken:**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. A. **SCHEDULED COMMUNICATION**

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 9:05 A.M.** Adoption of agreements authorizing actions necessary to establish international air service at Fresno Yosemite International Airport by Mexicana Airlines – Airports Dept.  
**Action Taken:**  
a. **RESOLUTION** – Relating to authorizations necessary for Mexicana Airlines to establish international air service at Fresno Yosemite International Airport  
**Action Taken:**
- 9:30 A.M.** Presentation by Dr. Gary Manross regarding “Measure C, Community/Voter Survey” - City Manager’s Office
- 10:00 A.M.#1** **HEARING** to consider Community Facilities District No. 2, Annexation No. 102, Final Tract Map No. 5458 – Public Works Dept. (***Continue to August 30, 2005 @ 10:35 a.m.#2***)  
a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No.102, Final Tract Map No. 5458 and authorizing the levy of a special tax  
b. **RESOLUTION** – Calling a special mailed-ballot election  
c. **RESOLUTION** – Declaring election results  
d. \* **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 102, Final Tract Map No. 5458  
**Action Taken:**
- 10:00 A.M.#2** **HEARING** to consider Community Facilities District No. 2, Annexation No. 103, Final Tract Map No. 5248 – Public Works Dept. (***Continue to August 30, 2005 @ 10:35 a.m.#3***)  
a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No.103, Final Tract Map No. 5248 and authorizing the levy of a special tax  
b. **RESOLUTION** – Calling a special mailed-ballot election  
c. **RESOLUTION** – Declaring election results  
d. \* **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 103, Final Tract Map No. 5248  
**Action Taken:**
- 10:00 A.M.#3** **HEARING** to consider Community Facilities District No. 2, Annexation No. 100, Final Tract Map No. 5235 – Public Works Dept. (***Continue to August 30, 2005 @ 10:35 a.m.#4***)  
a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No.100, Final Tract Map No. 5235 and authorizing the levy of a special tax  
b. **RESOLUTION** – Calling a special mailed-ballot election  
c. **RESOLUTION** – Declaring election results  
d. \* **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 100, Final Tract Map No. 5235  
**Action Taken:**
- 10:00 A.M.#4** **HEARING** to consider Community Facilities District No. 2, Annexation No. 101, Final Tract Map No. 5325 – Public Works (***Continue to August 30, 2005 @ 10:35 a.m.#5***)  
a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No.101, Final Tract Map No. 5325 and authorizing the levy of a special tax  
b. **RESOLUTION** – Calling a special mailed-ballot election  
c. **RESOLUTION** – Declaring election results  
d. \* **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 101, Final Tract Map No. 5325  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 10:05 A.M.** \* Approval of the Fire Protection Services Contract between the City of Fresno and the Fig Garden Fire Protection District – Fire Dept.
1. \* **RESOLUTION** – 7th amendment to PAR No. 2005-287 adding ten (10) Firefighter positions to the Department beginning October 1, 2005 through June 30, 2006  
**Action Taken:**
  2. \* **RESOLUTION** – 15th amendment to AAR No. 2005-286 appropriating \$425,000 to the Fire Department to operate the Fig Garden Fire Station **(Requires 5 affirmative votes)**  
**Action Taken:**
- 10:30 A.M.** Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling  
**Action Taken:**
- 10:35 A.M.** **HEARING** to amend MFS Resolution No. 80-420 increasing the UGM Park, Police and Fire impact fees in the UGM areas and creating a Citywide Public Facilities Impact fee – Public Works Dept. **(Continued to 2:30 p.m.)**
- a. \* **RESOLUTION** – 433<sup>rd</sup> amendment to MFS Resolution No. 80-420 increasing the UGM Park, Police, and Fire impact fees in the UGM areas and creating a Citywide Public Facilities impact fee  
**Action Taken:**
- 10:40 A.M.** **HEARING** to consider Rezone Application No. R-05-20 and environmental findings, filed by John Allen on behalf of Image Homes, pertaining to 0.98 acre of property located on the west side of N. Brawley Avenue between W. Calimyrna and W. Kadota Avenues – **(Property located in District 2)** – Planning and Development Dept.  
**Action Taken:**
1. Consider and adopt Environmental Assessment No. R-04-20/TPM 2005-07, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
  2. **BILL** – Amending the Official Zone Map to rezone 0.81 acre of the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district and 0.17 acre of the subject property from R-A/UGM (*Single Family Residential Agricultural/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district  
**Action Taken:**
- 10:50 A.M.** **HEARING** to consider Conditional Use Permit Application No. C-05-48 and environmental findings, filed by Scott Vincent on behalf of Ashwood Construction, pertaining to approximately 6.54 acres of property located on the northeast corner of W. Palo Alto and N. Polk Avenues (Property located in District 2)  
**Action Taken:**
1. Consider and adopt Environmental Assessment No. C-05-48, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
  2. **RESOLUTION** – Approving Conditional Use Permit Application No. C-05-48  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 11:00 A.M.**     **CONTINUED HEARING** to consider Rezone Application No. R-04-64 and environmental findings, filed by Paul Atmajian, pertaining to approximately 8.7 acres of property located on the west side of S. Minnewawa Avenue between E. Kings Canyon Road and E. Butler Avenue (***Property located in District 5***) – Planning and Development Dept.  
**Action Taken:**
- a.     Consider and adopt Environmental Assessment No. R-04-64/T-5387/C-04-170, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
  - b.     **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Agricultural, 20-acre minimum parcel size, Fresno County*) zone district to the R-1-C (*Single Family Residential, minimum 9,000 square foot lot area*) zone district  
**Action Taken:**

**2:00 P.M. #1**     **CONTESTED CONSENT CALENDAR**

**2:00 P.M. #2**     **CLOSED SESSION**

- A.     CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
- 1.     **Case Name:**     City of Fresno v. Garfield Park Highlands, et al.
  - 2.     **Case Name:**     County of Madera v. City of Fresno, et al.; (Fancher Creek Real Party in Interest)
  - 3.     **Case Name:**     City of Fresno v. Madera County Board of Supervisors, et al.; and related cross actions  
**Action Taken:**
- B.     CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION** -Government Code Section 54956.9, Subdivision(c)
- 1.     **Potential Case Name:** City of Fresno v. National Railroad Passenger Corp. (Amtrak)  
**Action Taken:**

**2:00 P.M. #3**     **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

- 2:30 P.M.**     **CONTINUED HEARING** to amend MFS Resolution No. 80-420 increasing the UGM Park, Police and Fire impact fees in the UGM areas and creating a Citywide Public Facilities Impact fee – Public Works Dept. (***Continued to August 30, 2005 at 2:30 p.m.***)
- a.     \*     **RESOLUTION** – 433<sup>rd</sup> amendment to MFS Resolution No. 80-420 increasing the UGM Park, Police, and Fire impact fees in the UGM areas and creating a Citywide Public Facilities impact fee  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

Aug.	30 -	10:00 A.M.	<b>HEARING</b> re: Rezone Application No. R-05-14, filed by Jeffrey Roberts on behalf of Granville Homes
Aug.	30 -	10:10 A.M.	<b>HEARING</b> re: Rezone Application No. R-05-16, filed by Jose and Erlinda Jamili
Aug.	30 -	10:15 A.M.	<b>HEARING</b> re: aligning the MFS Resolution for the Dept. of Public Utilities
Aug.	30 -	10:30 A.M.	<b>HEARING</b> re: Rezone Application No. R-04-104, filed by Clifford Tutelian on behalf of Park Place Holdings
Aug.	30 -	10:35 A.M.#1	<b>CONTINUED HEARING</b> to consider CFD No. 2, Annexation No. 98, Final Tract Map No. 5261
Aug.	30 -	10:35 A.M.#2	<b>CONTINUED HEARING</b> to consider CFD No. 2, Annexation No. 102, Final Tract Map No. 5458
Aug.	30 -	10:35 A.M.#3	<b>CONTINUED HEARING</b> to consider CFD No. 2, Annexation No. 103, Final Tract Map No. 5248

# **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

Aug.	30 -	10:35 A.M.#4	<b>CONTINUED HEARING</b> to consider CFD No. 2, Annexation No. 100, Final Tract Map No. 5235
Aug.	30 -	10:35 A.M.#5	<b>CONTINUED HEARING</b> to consider CFD No. 2, Annexation No. 101, Final Tract Map No. 5325
Aug.	30 -	10:45 A.M.	<b>HEARING</b> to consider adoption of resolutions designating properties to the Local Register of Historic Resources (W.D. Coates Home located at 264 N. Van Ness and Black's Package Store located at 755 Van Ness Avenue)
Aug.	30 -	2:30 P.M.	<b>CONTINUED HEARING</b> to amend MFS Resolution No. 80-420 increasing the UGM Park, Police and Fire impact fees in the UGM areas and creating a Citywide Public Facilities Impact fee
Aug.	30 -	4:30 P.M.#1	<b>CONTINUED JOINT HEARING/RDA</b> regarding the Convention Center Redevelopment Plan:
Aug.	30 -	4:30 P.M.#2	<b>JOINT MEETING/RDA</b> To approve a Purchase and Sales Agreement and Disposition and Development Agreement, property is Gregor Boats at 2316 E. Annadale
Aug.	30 -	5:00 P.M.	<b>HEARING re:</b> Rezone Application No. R-04-79, filed by Edward and Janis Donaghy
Sept.	6 -	<b>NO MEETING - COUNCIL VACATION</b>	
Sept.	13 -	<b>NO MEETING - COUNCIL VACATION</b>	
Sept.	20 -	8:30 A.M.	Presentation of Fresno Area Express Driver Appreciation Awards
Sept.	20 -	9:50 A.M.	<b>HEARING re:</b> Rezone Appl. No. R-05-11, filed by Dennis Bennett
Sept.	20 -	10:00 A.M.#1	Adopt a resolution of consideration to change the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 61, Final Tract No. 4598 of Community Facilities District No. 2
Sept.	20 -	10:00 A.M.#2	<b>HEARING re:</b> CFD No. 2, Annexation No. 93, Final Tract Map No. 5141
Sept.	20 -	10:15 A.M.	<b>HEARING re:</b> the vacation of a portion of North Bryan Avenue west of Barstow Avenue. It is associated with R.I. # 1044-D
Sept.	20 -	10:30 A.M.	<b>HEARING</b> – Amending the MFS Resolution to add and adjust various Department of Public Utilities Community Sanitation, Solid Waste, Wastewater, and Water Fees
Oct.	18 -	<b>NO MEETING - COUNCIL BREAK</b>	
Oct.	25 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 <sup>nd</sup> floor foyer)
Oct.	25 -	10:00 A.M.	<b>HEARING re:</b> vacation of a portion of Harvey east of Clovis (R.I. No. 1045-D)
Oct.	25 -	4:00 P.M.	<b>HEARING -</b> 2005 Cycle II Trimester Plan Amendments
Nov.	9 – (Wed)	3:00 P.M.	Presentation of Employee Service Awards in the Council Chambers with a reception immediately following – 2 <sup>nd</sup> floor foyer)
Nov.	15 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Nov.	22 -	<b>NO MEETING - THANKSGIVING WEEK</b>	
Dec.	20 -	<b>NO MEETING - CHRISTMAS WEEK</b>	
Dec.	27 -	<b>NO MEETING - NEW YEARS WEEK</b>	

## **(Future workshops – dates to be determined)**

**(June) WORKSHOP** – Follow-up discussion regarding Caltrans discussion held 12/7/2004

**WORKSHOP** – Urban Forest